

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

| | | |
|--|---|--------------------------------------|
| In Re: Derivium Capital, LLC, |) | Civil Action No. 2:06-cv-03283-DCN |
| |) | |
| |) | |
| Debtors. |) | |
| |) | |
| Kevin Campbell, Chapter 7 Trustee, |) | |
| |) | |
| |) | <u>TRUSTEE'S VERDICT FORM</u> |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| Charles Cathcart; Yuri Debevc; Veridia |) | |
| Solutions, LLC; Derivium Capital USA, |) | |
| Inc., and Evelyn Cathcart, |) | |
| |) | |
| Defendants. |) | |

You are instructed to answer the following questions. You must all agree on your answer to each question and the foreperson must sign the completed form on the signature line.

ACTUAL FRAUDULENT CONVEYANCE

1. Has the Trustee proved that Defendant Charles Cathcart is liable for an actual fraudulent conveyance?
☒ YES ☐ NO
2. Has the Trustee proved that Defendant Yuri Debevc is liable for an actual fraudulent conveyance?
☒ YES ☐ NO
3. Has the Trustee proved that Defendant Evelyn Cathcart is liable for an actual fraudulent conveyance?
☒ YES ☐ NO

If your answer is "yes" as to any of the three defendants above, please indicate on the line below what amount of damages should be awarded to the Trustee. Damages

should be awarded only as to those defendants for which you answered "yes," if any. Leave the line blank for any defendant for which you answered "no."

| | |
|------------------|-------------------------|
| Charles Cathcart | \$ <u>33,335,407.00</u> |
| Yuri Debevc | \$ <u>33,335,407.00</u> |
| Evelyn Cathcart | \$ <u>240,000</u> |

CONSTRUCTIVE FRAUDULENT CONVEYANCE

- Has the Trustee proved that Defendant Charles Cathcart is liable for a constructive fraudulent conveyance:
☒ YES ☐ NO
- Has the Trustee proved that Defendant Yuri Debevc is liable for a constructive fraudulent conveyance:
☒ YES ☐ NO
- Has the Trustee proved that Defendant Evelyn Cathcart is liable for a constructive fraudulent conveyance:
☒ YES ☐ NO

If your answer is "yes" as to any of the three defendants above, please indicate on the line below what amount of damages should be awarded to the Trustee. Damages should be awarded only as to those defendants for which you answered "yes," if any. Leave the line blank for any defendant for which you answered "no."

| | |
|------------------|-------------------------|
| Charles Cathcart | \$ <u>33,335,407.00</u> |
| Yuri Debevc | \$ <u>33,335,407.00</u> |
| Evelyn Cathcart | \$ <u>240,000</u> |

BREACH OF FIDUCIARY DUTY

1. Has the Trustee proven by a preponderance of the evidence that defendant Charles Cathcart breached his fiduciary duties to Derivium Capital, LLC?

☒ YES ☐ NO

2. Has the Trustee proven by a preponderance of the evidence that defendant Yuri Debevc breached his fiduciary duties to Derivium Capital, LLC?

☒ YES ☐ NO

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT, 18 U.S.C. § 1962 ("RICO")

1. Has the Trustee met the burden of proof, by a preponderance of the evidence, that the Defendant Charles Cathcart violated RICO:

☒ YES ☐ NO

2. Has the Trustee met the burden of proof, by a preponderance of the evidence, that the Defendant Yuri Debevc violated RICO:

☒ YES ☐ NO

3. Has the Trustee met the burden of proof, by a preponderance of the evidence, that the Defendant Veridia Solutions, LLC violated RICO:

☒ YES ☐ NO

4. Has the Trustee met the burden of proof, by a preponderance of the evidence, that the Defendant Derivium Capital (USA) Inc., violated RICO:

☒ YES ☐ NO

DAMAGES

If your answer to all of the questions above is "No" then you have completed this form and may sign below.

If your answer to any of the questions above is "Yes," other than in the fraudulent conveyance claims, you must determine the amount of damages to be awarded to the Trustee. On the line below, please state the amount of damages to be awarded to the Trustee:

\$ 150,478,525.29

S/FOREPERSON

2-26-09